

MAR 26 2020

David J. Bradley, Clerk

AO 91 (Rev 8/01)

Criminal Complaint

United States District Court

SOUTHERN

DISTRICT OF

TEXAS

McALLEN DIVISION

UNITED STATES OF AMERICA

V.

Jose Luis Garcia

CRIMINAL COMPLAINT

Case Number: M-20-821 -M

USC YOB: 1977

SEALED

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my

knowledge and belief. On or about August 30, 2019 in Starr County, in

the Southern District of Texas the defendant(s)

(Track Statutory Language of Offense)

knowingly and corruptly altered, destroyed, mutilated, or concealed a record, document, or other object, or attempted to do so, with the intent to impair the object's integrity or availability for use in an official proceeding;

in violation of Title 18 United States Code, Section(s) 1512 (C) (1)

I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts:

See attached affidavit.

Continued on the attached sheet and made a part of this complaint:

Approved by: AUSA Patricia Cook Profit

Patricia Cook Profit

Submitted by reliable electronic means, sworn to and attested to telephonically per Fed. R. Cr. P. 4.1, and probable cause found on:

Sworn to before me and subscribed in my presence,

March 25, 2020 - 4:45 p.m.

Juan F. Alanis, U.S. Magistrate Judge
Name and Title of Judicial Officer

☐ Yes ☒ No

/s/ Juan Samaniego

Signature of Complainant

Juan Samaniego

Border Patrol Agent

Signature of Judicial Officer

AFFIDAVIT

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information relayed to me by other agents and officers participating in the investigation.

PROBABLE CAUSE / FACTS:

On August 30, 2019, Border Patrol (BP), Drug Enforcement Administration (DEA), Homeland Security Investigations (HSI), and Texas Department of Public Safety (DPS) agents served search warrants approved by U.S. Magistrate Judge Juan F. Alanis at the residences located at 25 Midway Road and 39 Alegria Circle in Rio Grande City, Texas. Through surveillance, agents suspected that both addresses were being utilized by the GARCIA drug trafficking organization (DTO) as staging points for hard narcotics and bulk cash currency from drug proceeds.

At 25 Midway Road Rio Grande City, Texas agents encountered Daniel SEPULVEDA and his brother Rene SEPULVEDA. Agents had previously identified Daniel and Rene SEPULVEDA as key members of the GARCIA DTO. A search of the residence revealed a total of \$83,920.00 USD bulk currency and fifteen firearms. Agents seized the \$83,920.00 USD as well as two cellular telephones Daniel SEPULVEDA had on his person. Upon seizing his phones, Daniel SEPULVEDA confronted DEA Agent Chris Donahue. Speaking in an aggressive tone Daniel SEPULVEDA stated that he wanted DEA to take down the DEA's cameras located on a telephone pole across the street from Daniel SEPULVEDA's house and on a telephone pole located at the intersection of Midway Road and Expressway 83. Agent Donahue then told Daniel SEPULVEDA that they were not DEA's cameras. Daniel SEPULVEDA then responded condescendingly that he knew they were DEA cameras because he asked the electric company. Daniel SEPULVEDA then stated that the electric company told him DEA had installed cameras on the poles across the street from his house and at the intersection of Midway Road and Expressway 83. At that time, Rene SEPULVEDA stated that it was against Rene SEPULVEDA and Daniel SEPULVEDA's constitutional rights to be watched by the government. Agent Donahue relayed to other agents in the proximity, that he observed that Daniel SEPULVEDA was agitated and upset about the search warrant conducted at Daniel SEPULVEDA's residence and law enforcement pole cameras on Midway Road.

At 39 Alegria Street Rio Grande City, Texas agents encountered Jose Luis GARCIA and Daniela Ruiz. Agents have been able to identify Jose Luis GARCIA as head of the GARCIA DTO. During a search of the master bedroom, agents observed a green colored rifle case that contained a black colored Daniel Defense AR-15 style rifle with a scope. Agents observed that the rifle case was leaning against the bedroom bed and was situated on top of two of the bed's pillows. The position and location of the rifle case indicated that the rifle case had been recently moved. During the search, agents located a radio frequency jammer, firearms (four handguns and four rifles), and several stacks of bulk currency scattered throughout the property. The bulk currency totaled \$275,205.00 USD. The firearms and money were discovered in close proximity to each other in different locations throughout the property. The currency was packaged and stored in shrink-wrap bags, which is consistent with what is observed in illegal drug proceeds. Agents

seized the currency, radio signal jammer, hand written notes as well as J. GARCIA and D. Ruiz cellular telephones. The search of the property also revealed two hand written notes in Jose Luis GARCIA's Ford F250. During the encounter, Jose Luis GARCIA spoke with Border Patrol Agent Charge Jared Ashby. At one point Jose Luis GARCIA stated, "You know what I do and I know what you do. I am tired."

At approximately 9:30 p.m., agents observed Jose Luis GARCIA arrive to **39 Alegria Circle, Rio Grande City, Texas**. Next, they observed Daniel SEPULVEDA, Rene SEPULVEDA and one (1) to two (2) additional subjects arrive to **39 Alegria Circle, Rio Grande City, Texas**. At approximately 10:00 p.m., agents observed Jose Luis GARCIA exit the residence with a soft sided rifle case which resembled the green colored rifle case containing the Daniel Defense AR-15 rifle that agents had observed earlier in the day in the master bedroom. Soon thereafter, agents observed Daniel SEPULVEDA and Rene SEPULVEDA depart the residence, followed by Jose Luis GARCIA who departed the residence in his truck with the rifle case. At approximately 11:00 p.m., agents observed that one (1) law enforcement government pole camera located approximately 50 yards north of 32 Midway Road, Rio Grande City, Texas (hereafter, Pole Camera #1) and one (1) law enforcement government pole camera located at the north-west corner of the intersection of Expressway 83 and N. Suntex Road, Rio Grande City, Texas (hereafter, Pole Camera #2) were no longer operable.

On August 31, 2019, agents checked on the two (2) pole cameras and observed that the square protective boxes for Pole Camera #1 and Pole Camera #2 each had a bullet hole in them, indicating to agents that both cameras had been shot and rendered inoperable.

On September 19, 2019, Texas Rangers Robert Montalvo and Robert Garcia travelled to Pole Camera #1 in order to conduct a trajectory investigation to determine the possible direction and angle of the shot that rendered the cameras inoperable. Texas Rangers Montalvo and GARCIA determined that based on the trajectory angle of the bullet that hit the pole camera box of Pole Camera #1, the bullet was fired from 32 Midway Road, Rio Grande City, Texas (the residence of Evaristo Sepulveda Jr., who is the father of Daniel and Rene Sepulveda). This affiant learned that Pole Camera #1 was valued at approximately \$15,000.00 U.S. currency and that the damage caused to Pole Camera #1 exceeded \$2,500.00 U.S. currency.

Post warrant analysis were done on both Jose Luis GARCIA's and Daniel SEPULVEDA's cellular phone which are currently being held as evidence and in DEA custody.

The analysis of both Daniel SEPULVEDA's and Jose Luis GARCIA's phones also revealed that Jose Luis GARCIA ordered Daniel SEPULVEDA to destroy Border Patrol cameras located in the Midway Road area in Rio Grande City, Texas. Both Daniel SEPULVEDA and Jose Luis GARCIA verbalize their frustration with Border Patrol activities in the area and attribute these activities to the pole cameras in the area. Jose Luis GARCIA tells Daniel SEPULVEDA that it has gone too far and orders Daniel SEPULVEDA to take out the cameras.

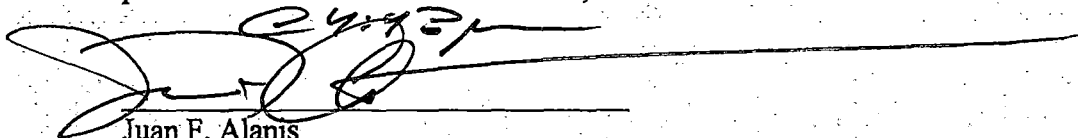
DISPOSITION:

The facts of this case were presented to Assistant United States Attorney Patricia Profit who accepted Jose Luis GARCIA for prosecution of 18 U.S.C. 1512(c)(1), destroying an object with the intent to impair the object's integrity or availability for use in an official proceeding.

/S/ Juan Samaniego

Juan Samaniego
Border Patrol Agent

Submitted by reliable electronic means, sworn to and attested to telephonically per Fed. R. Cr. P. 4.1, and probable cause found on: March 26th, 2020:

A handwritten signature in black ink, appearing to read 'Juan F. Alanis', is written over a horizontal line.

Juan F. Alanis
United States Magistrate Judge